

Appl. No. 10/829,114

Amdt. Dated December 22, 2005

Reply to Office Action of October 18, 2005

REMARKS

This is a full and timely response to the non-final Office action mailed October 18, 2005. Reexamination and reconsideration in view of the foregoing amendments and following remarks is respectfully solicited.

Claims 1-32 are pending in this application, with Claims 1, 7, 14, 25, and 29 being the independent claims. Claims 1, 7, 14, 21, 29, and 32 have been amended, and Claim 31 has been cancelled. The Applicants thank the Examiner for allowing Claims 25-28 and for finding allowable subject matter in Claims 31 and 32. No new matter is believed to have been added by way of this amendment and response.

I. REJECTIONS UNDER 35 USC 102(b)

Claims 1-3, 6-10, 21 and 29 are rejected under USC 102(b) as allegedly being anticipated by U.S. Patent No. 6,607,353 ("Masutani").

Independent claims 1, 7, 21, and 29 have been amended and now recite, *inter alia*, a plurality of scroll vanes that are configured such that an equal stress is maintained on each scroll vane when a load is applied to the scroll shaped outer wall. Masutani teaches a centrifugal compressor that is equipped with a plurality of vane groups disposed in the peripheral direction of an impeller so as to be concentric about the center of an axis of rotation of the impeller, where the vanes of a vane group nearest to the impeller are able to rotate. However, nowhere does Masutani remotely discuss or mention a plurality of scroll vanes that are configured such that an equal stress is maintained on each scroll vane when a load is applied to the scroll shaped outer wall. Accordingly, it is respectfully submitted that the rejection of these claims and the claims that depend therefrom is improper and the Applicants request withdrawal of the § 102 rejection.

Claims 2 and 3 depend from Claim 1, and claims 6-10 depend on claim 7. These claims rely on the arguments presented above; therefore, the Applicants request withdrawal of these § 102 rejections as well.

II. REJECTIONS UNDER 35 USC 103

Claims 4, 9, 11-20, and 22-24 are rejected under 35 USC 103(a) as allegedly being unpatentable over Masutani and variously over Admitted Prior Art FIGs. 1 and 2.

Claim 4 depends on Claim 1, Claims 3 and 11-13 depend on Claim 7, Claims 15-20 depend from Claim 14, and Claims 22-24 depend on Claim 21. Thus, these claims depend on the arguments presented above regarding Masutani. Moreover, the Admitted Prior Art does not make up for the deficiencies of Masutani described above. Specifically, nowhere does the Admitted Prior Art discuss or mention a plurality of scroll vanes that are configured such that an equal stress is maintained on each scroll vane when a load is applied to the scroll shaped outer wall.

The Examiner is well aware that the three necessary criteria for establishing a *prima facie* case of obviousness include 1) some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings, 2) a reasonable expectation of success, and 3) the prior art reference or references must teach or suggest all the claim limitations. Accordingly, as the Examiner has not provided references that teach or suggest all of the claim limitations, a *prima facie* case of obviousness has not been established. It is respectfully submitted that the rejection of these claims and the claims that depend therefrom is improper and the Applicants request withdrawal of the § 103 rejection.

III. CONCLUSION

In view of Applicant's amendments and remarks, it is respectfully submitted that Examiner's rejections under 35 USC §§ 102 and 103, have been overcome. Accordingly, Applicants respectfully submit that the application, as amended, is now in condition for allowance, and such allowance is therefore earnestly requested. Should the Examiner have any questions or wish to further discuss this application, Applicants request that the Examiner contact the Applicants' attorneys at the number below.

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If for some reason Applicants have not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent abandonment on this application, please consider this as a request for an extension for the required time period and/or authorization to charge Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,

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Dated: 12/22, 2005

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